

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,)	<u>I N D I C T M E N T</u>
)	
Plaintiff,)	CASE NO.
)	
v.)	
)	JUDGE
JONMAL M. SIMMONS,)	
VALERIE A. THOMAS,)	Title 18, Sections 1343, 1001, 152(3) and
)	2, United States Code
Defendants.)	

COUNT ONE
(18 U.S.C. §§ 1343, 2–Wire Fraud)

The Grand Jury Charges:

GENERAL ALLEGATIONS

1. From at least as late as September 12, 1994 through on or about February 14, 2006, VALERIE A. THOMAS was employed by the United States Postal Service in Cleveland, Ohio.
2. As a federal employee, THOMAS was entitled to enroll herself and any eligible family members in a health plan offered under the Federal Employees Health Benefits Program (“FEHB”).

3. At all times relevant, National Association of Letter Carriers (“NALC”) offered a health plan under the FEHB.
4. At all times relevant, Aetna Life Insurance Co. (“Aetna”), offered a health plan under the FEHB.

THE SCHEME TO DEFRAUD

5. From on or about September 12, 1994 through on or about May 30, 2006, the exact dates unknown to the grand jury, in the Northern District of Ohio, Eastern Division, and elsewhere, the Defendants, VALERIE A. THOMAS and JONMAL M. SIMMONS, devised and intended to devise a scheme and artifice to defraud National Association of Letter Carriers, Aetna Life Insurance Co., and the United States Postal Service as to a material fact, and to obtain money and property from these entities by means of false and fraudulent pretenses, representations, and promises.
6. It was part of the scheme to defraud that THOMAS would and did identify JONMAL M. SIMMONS as an eligible family member under the FEHB, namely her spouse, when in fact, THOMAS and SIMMONS were not married. By naming SIMMONS as the spouse of THOMAS, SIMMONS appeared to qualify for health insurance benefits under THOMAS’S FEHB health plan.
7. It was a further part of the scheme to defraud that THOMAS would and did identify C.F. as an eligible family member under the FEHB, namely her unmarried dependent child under age 22 (including an adopted child), when in fact, C.F. was not the child of THOMAS. By naming C.F. as the child of THOMAS, C.F. appeared to qualify for health insurance benefits under THOMAS’S FEHB health plan.

8. It was a further part of the scheme to defraud that in response to the question, “Do you, your spouse or any other eligible family members have any group health insurance coverage other than the FEHB plan in which you are now enrolling or enrolled?” THOMAS would and did respond, “No.” In fact, as THOMAS and SIMMONS then well knew, SIMMONS maintained other health insurance coverage.
9. It was further part of the scheme to defraud that SIMMONS would and did seek and receive medical services under THOMAS’S FEHB health plan.
10. It was further part of the scheme to defraud that SIMMONS would and did present himself to medical service providers as a member of the Aetna health plan.
11. It was further part of the scheme to defraud that SIMMONS would and did cause to be submitted invoices from medical service providers to Aetna for medical services received by SIMMONS.
12. It was further part of the scheme to defraud that SIMMONS would and did cause payment to be made by Aetna on the invoices submitted by medical service providers for services received by SIMMONS. These payments would be made both through check or through electronic fund transfers from Aetna’s financial account outside the State of Ohio to the financial account of the medical service provider inside the State of Ohio.
13. As a result of the Defendants’ fraudulent conduct, SIMMONS received medical services valued at approximately \$43,827.59, for which Aetna paid medical service providers approximately \$22,497.97.

USE OF INTERSTATE WIRES

14. On or about February 6, 2006, for the purpose of executing said scheme and artifice, the Defendants, JONMAL M. SIMMONS and VALERIE A. THOMAS, caused to be transmitted by means of wire communication in interstate commerce, the following writing, sign, signal, picture, and sound, namely, an electronic payment in the amount of approximately \$9,196 received into the bank account of the Cleveland Clinic Foundation at National City Bank, in Cleveland, Ohio, that was transmitted from the bank account of Aetna at Fleet Bank in Malden, Massachusetts.

All in violation of Title 18, United States Code, Sections 1343 and 2.

COUNT TWO

(18 U.S.C. § 371—Conspiracy to Commit Wire Fraud)

The Grand Jury Further Charges:

15. Paragraphs 1- 4 are realleged and incorporated by reference as if fully set forth herein.
16. From on or before September 12, 1994 through on or about May 30, 2006, the exact dates unknown to the grand jury, in the Northern District of Ohio, Eastern Division and elsewhere, JONMAL M. SIMMONS, VALERIE A. THOMAS, and others known and unknown to the Grand Jury did willfully and knowingly conspire, combine, confederate and agree together and with each other and with other persons known and unknown to the grand jury, to commit an offense against the United States, that is wire fraud, by knowingly executing and attempting to execute a scheme and artifice to defraud the National Association of Letter Carriers, Aetna Life Insurance Co. and the United States Postal Service as to a material fact and to obtain money and property from these entities

by means of false and fraudulent pretenses, representations, and promises, in violation of Title 18, Sections 1343 and 2, United States Code.

MEANS AND METHODS

17. Paragraphs 5-14 are realleged and incorporated by reference as if fully set forth herein.

OVERT ACTS

17. In furtherance of the conspiracy, and to effect the objects thereof, the Defendants did commit the following overt acts and did cause the following overt acts to be committed in the Northern District of Ohio.
18. On or about September 12, 1994, THOMAS submitted an FEHB Health Benefits Registration Form representing JONMAL M. SIMMONS to be her spouse.
19. On or about March 22, 1996, THOMAS submitted an FEHB Health Benefits Registration Form representing JONMAL M. SIMMONS to be her spouse.
20. On or about March 22, 1996, THOMAS submitted an FEHB Health Benefits Registration Form representing C.F. as her stepchild, foster child or recognized natural child.
21. On or about November 26, 1996, THOMAS submitted an FEHB Health Benefits Registration Form representing JONMAL M. SIMMONS to be her spouse.
22. On or about November 26, 1996, THOMAS submitted an FEHB Health Benefits Registration Form representing C.F. as her daughter.
23. On or about December 12, 1999, THOMAS submitted an FEHB Health Benefits Registration Form representing JONMAL M. SIMMONS to be her spouse.
24. On or about December 12, 1999, THOMAS submitted an FEHB Health Benefits Registration Form representing C.F. as her daughter.

25. On or about October 24, 2001, THOMAS submitted an FEHB Health Benefits Registration Form representing JONMAL M. SIMMONS to be her spouse.
26. On or about October 24, 2001, THOMAS submitted an FEHB Health Benefits Registration Form representing C.F. as her daughter.
27. On or about October 24, 2001, THOMAS responded, “No” to the question, “Do you, your spouse or any other eligible family members have any group health insurance coverage other than the FEHB plan in which you are now enrolling or enrolled?” on the FEHB Health Benefits Registration Form.
28. On or about the following dates, JONMAL SIMMONS caused to be issued the following approximate payments from Aetna to medical service providers, each constituting a separate overt act:

Overt Act	Claim ID	Service Start	Billed	Paid to Provider	Payment Date
29	060120E5374900	1/10/06	\$10,124.00	\$9,196.00	2/01/06
30	060129F5020400	1/23/06	\$1,388.75	\$1,388.75	1/31/06
31	060219F5019700	2/13/06	\$1,388.76	\$1,388.76	2/21/06
32	060319F6047500	3/16/06	\$1,388.75	\$1,388.75	3/24/06
33	060416F4043100	4/11/06	\$1,388.75	\$1,388.75	4/18/06
34	060507F5055200	5/02/06	\$1,388.75	\$1,388.75	5/09/06
35	060507F5055300	5/05/06	\$1,388.75	\$1,388.75	5/09/06
36	060525E5012200	5/12/06	\$2,938.00	\$722.43	5/26/06
37	060604F4045200	5/30/06	\$1,338.75	\$1,338.75	6/06/06

All in violation of Title 18, Section 371, United States Code.

COUNT THREE

(18 U.S.C. § 1001–False Statement to a Federal Officer)

The Grand Jury Further Charges:

38. On or about July 12, 2006, in the Northern District of Ohio, Eastern Division, the Defendant, JONMAL M. SIMMONS, during an interview with investigators for the United States Postal Service and the United States Office of Personnel Management, Office of the Inspector General, did knowingly and wilfully make a materially false, fictitious, and fraudulent statement in a matter within the jurisdiction of the United States; to wit: “I thought we were married”, when JONMAL M. SIMMONS then well knew that he never legally married Valerie A. Thomas.
- All in violation of Title 18, United States Code, Section 1001.

COUNTS FOUR & FIVE

(18 U.S.C. § 152(3)–False Statements in Bankruptcy)

The Grand Jury Further Charges:

INTRODUCTION

39. The Defendant, VALERIE A. THOMAS, filed several bankruptcy cases with the United States Bankruptcy Court for the Northern District of Ohio. These cases included:

DATE OF FILING	CASE NUMBER	DATE DISMISSED	REASON FOR DISMISSAL
December 31, 2003	03-27181	2/12/04	Want of prosecution and violation of the Show Cause Order
March 5, 2004	04-12657	4/16/04	Want of prosecution and violation of the Show Cause Order
June 14, 2004	04-17509	7/23/04	Want of prosecution and violation of the Show Cause Order
August 3, 2004	04-19898	9/15/04	Want of prosecution and violation of the Show Cause Order
February 18, 2005	05-11951	3/23/05	File plan, file schedules, appear at the show cause hearing
April 6, 2005	05-14480	4/27/05	Failure to file plan

THE OFFENSE

40. On or about the dates specified below, the Defendant, VALERIE A. THOMAS, in the Northern District of Ohio, Eastern Division, and elsewhere, knowingly and fraudulently made false oaths, declarations, verifications, and statements under the penalty of perjury, as to material matters, in and in relation to a case under Title 11 (the Bankruptcy Code), when VALERIE A. THOMAS falsely stated in her bankruptcy petition that she had not filed any prior bankruptcy cases within last six years, through her statement “none” under the heading “**Prior Bankruptcy Case Filed Within Last 6 Years** (If more than one, attach additional sheet),” when she then well knew that she had filed prior bankruptcy cases within the last six years of the filing of the respective bankruptcy petitions, as set forth below:

Count	Bankruptcy Case No.	Date of Bankruptcy Filing	Date of Statement
4	05-11951	2/18/05	2/18/05
5	05-14480	4/06/05	4/05/05

All in violation of Title 18, Section 152(3), United States Code.

A TRUE BILL.

Original Document - - Signatures on file with the Clerk of Courts, pursuant to the E-Government Act of 2002.

UNITED STATES v. JONMAL M. SIMMONS

A TRUE BILL.

FOREPERSON

GREGORY A. WHITE
UNITED STATES ATTORNEY